

(2) *that the person seeks to represent the district at large.*

(e) *A person's eligibility to serve a term as director is not affected when the county commissioners precincts are redrawn after each federal decennial census to reflect population changes by a boundary change that:*

(1) *removes the person's residence from the precinct the person serves; and*

(2) *takes effect during the term for which the person was elected or appointed.*

Sec. 8823.053. ELECTION DATE. After the creation of the district is confirmed, the district shall hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in November of each even-numbered year.

Sec. 8823.054. VACANCIES. A vacancy on the board shall be filled by appointment of the board until the next regularly scheduled directors' election. The person appointed to fill the vacancy shall serve only for the remainder of the unexpired term.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8823.101. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8823.151. LIMITATION ON TAXES. The district may not impose ad valorem taxes at a rate that exceeds one cent on each \$100 of assessed valuation of taxable property in the district.

SECTION 2. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 3. This Act takes effect September 1, 2015.

Passed by the House on May 15, 2015: Yeas 139, Nays 0, 2 present, not voting; passed by the Senate on May 26, 2015: Yeas 29, Nays 2.

Filed without signature June 17, 2015.

Effective September 1, 2015.

ABOLISHMENT OF THE TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH DISABILITIES AND THE TRANSFER OF ITS FUNCTIONS TO THE TEXAS WORKFORCE COMMISSION

CHAPTER 672

S.B. No. 212

AN ACT

relating to the abolishment of the Texas Council on Purchasing from People with Disabilities and the transfer of its functions to the Texas Workforce Commission.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 2155.138(a) and (b), Government Code, are amended to read as follows:

(a) The competitive bidding provisions of this chapter do not apply to a state purchase of goods or services that:

(1) are made or provided by blind or visually impaired persons;

(2) are offered for sale to a state agency through efforts made under *Chapter 122, Human Resources Code* ~~[law by the Texas Council on Purchasing from People with Disabilities]~~;

(3) meet state specifications for quantity, quality, delivery, and life cycle costs; and

(4) cost not more than the fair market price of similar items.

(b) The *Texas Workforce Commission* ~~[council]~~ shall test the goods and services to the extent necessary to ensure quality. The *Texas Workforce Commission* ~~[council]~~ may enter into a contract with a private or public entity to assist with testing.

SECTION 2. The heading to Chapter 122, Human Resources Code, is amended to read as follows:

CHAPTER 122. ~~[TEXAS COUNCIL ON]~~ PURCHASING FROM PEOPLE
WITH DISABILITIES

SECTION 3. Section 122.0012, Human Resources Code, is amended to read as follows:

Sec. 122.0012. SUNSET PROVISION. (a) The comptroller's authority to perform any act under this chapter that relates to state purchasing is subject to Chapter 325, Government Code (Texas Sunset Act). Notwithstanding any other law, that authority expires September 1, 2021, unless continued in existence as provided by Chapter 325, Government Code.

(b) *The Texas Workforce Commission's authority to administer and oversee the program administered under this chapter is subject to Chapter 325, Government Code (Texas Sunset Act). Notwithstanding any other law, that authority expires September 1, 2021, unless continued in existence as provided by Chapter 325, Government Code.*

SECTION 4. Section 122.002, Human Resources Code, is amended by adding Subdivision (6) to read as follows:

(6) "Workforce commission" means the Texas Workforce Commission.

SECTION 5. Section 122.0057, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 122.0057. ADVISORY COMMITTEE. (a) *The workforce commission shall* ~~[council may]~~ establish an advisory committee *to assist the workforce commission in establishing:*

(1) *performance goals for the program administered under this chapter; and*

(2) *criteria for certifying a community rehabilitation program for participation in the program administered under this chapter* ~~[if the council considers the committee necessary. The membership of the committee is determined by the council].~~

(b) *The advisory committee consists of 13 members appointed by the workforce commission as follows:*

(1) *four representatives from community rehabilitation programs that participate in the program administered under this chapter;*

(2) *four representatives from organizations that advocate for persons with disabilities;*

(3) *the executive commissioner of the health and human services commission or designee; and*

(4) *four persons with disabilities, of whom two are employed by a community rehabilitation program that participates in the program administered under this chapter* ~~[The council shall specify the purpose and duties of the advisory committee, which must include:~~

~~[(1) reviewing the effectiveness of the program administered under this chapter; and~~

~~[(2) recommending procedures to create higher skilled and higher paying employment opportunities].~~

(c) *Members of the [an] advisory committee serve at the will of the workforce commission* ~~[council. The council may dissolve an advisory committee when appropriate].~~

(d) *The workforce commission shall appoint a presiding officer from among the advisory committee members* ~~[The council shall make reasonable attempts to have balanced representation on all advisory committees, including attempting to seek representation from:~~

~~[(1) the Lighthouse for the Blind and Visually Impaired community rehabilitation programs;~~

~~[(2) the Goodwill community rehabilitation programs;~~

~~[(3) other community rehabilitation programs;~~

~~[(4) representatives from central nonprofit agencies;~~

~~[(5) representatives of disability advocacy groups;~~

~~[(6) government purchasing agents with knowledge of this chapter;~~

~~[(7) private industry representatives with knowledge of this chapter; and~~

~~[(8) private citizens with disabilities who have knowledge of the sale of products and services].~~

(e) *The members of the advisory committee serve staggered four-year terms, with the terms of either six or seven members expiring February 1 of each odd-numbered year. A member may not serve more than two terms.*

(f) *A vacancy on the committee shall be filled in the same manner as the original appointment for that position.*

(g) *The advisory committee shall meet semiannually.*

(h) *The advisory committee shall:*

(1) establish specific objectives for the program administered under this chapter that are appropriate given the program's status as one of several employment-related services this state offers to persons with disabilities;

(2) develop performance measures that may be used by the workforce commission to evaluate whether the program is meeting the objectives established under Subdivision (1); and

(3) recommend criteria for certifying community rehabilitation programs for participation in the program.

(i) *In developing the performance measures under Subsection (h), the advisory committee must consider the following factors as applicable to the program administered under this chapter:*

(1) the percentage of total sales revenue attributable to the program:

(A) paid in wages to persons with disabilities; and

(B) spent on direct training and professional development services for persons with disabilities;

(2) the average hourly wage earned by a person participating in the program;

(3) the average annual salary earned by a person participating in the program;

(4) the number of persons with disabilities participating in the program paid less than minimum wage;

(5) *the average number of hours worked each week by a person with a disability who participates in the program;*

(6) *the percentage of persons with disabilities who participate in the program and who are placed into competitive positions, including competitive management or administrative positions within community rehabilitation programs; and*

(7) *the percentage of work performed by persons with disabilities who participate in the program that is purely repackaging labor.*

(j) *The advisory committee shall meet at the call of the presiding officer at least once each fiscal year to review and, if necessary, recommend changes to program objectives, performance measures, and criteria established under Subsection (h).*

(k) *The advisory committee shall provide input to the workforce commission in adopting rules applicable to the program administered under this chapter relating to the employment-first policies described by Sections 531.02447 and 531.02448, Government Code.*

(l) *The workforce commission shall provide administrative support to the advisory committee.*

(m) *The advisory committee is not subject to Chapter 2110, Government Code.*

SECTION 6. Chapter 122, Human Resources Code, is amended by adding Section 122.0058 to read as follows:

Sec. 122.0058. APPLICATION OF OPEN MEETINGS LAW, OPEN RECORDS LAW, AND ADMINISTRATIVE PROCEDURE LAW TO ADVISORY COMMITTEE. The advisory committee established under Section 122.0057 is subject to the requirements of the open meetings law, Chapter 551, Government Code, the open records law, Chapter 552, Government Code, and Chapter 2001, Government Code.

SECTION 7. Sections 122.007(a) and (c), Human Resources Code, and Section 122.007(d), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(a) *The workforce commission [council] shall determine the fair market price of all products and services manufactured or provided by persons with disabilities and offered for sale to the various agencies and departments of the state and its political subdivisions by a community rehabilitation program participating in the program administered under this chapter. The workforce commission [council] shall ensure that the products and services offered for sale offer the best value for the state or a political subdivision. The comptroller shall provide the workforce commission with the information and resources necessary for the workforce commission to comply with this subsection.*

(c) *The workforce commission [council] shall revise the prices periodically to reflect changing market conditions.*

(d) *Before offering for sale products and services manufactured or provided by persons with disabilities to state agencies and political subdivisions, the workforce commission [council] shall test the goods and services in accordance with Section 2155.069, Government Code, to the extent necessary to ensure quality. The workforce commission [council] may enter into a contract with a private or public entity to assist with testing. The comptroller shall make awards under this section based on proposed goods and services meeting formal state specifications developed by the comptroller or meeting commercial specifications approved by the comptroller.*

SECTION 8. Section 122.008, Human Resources Code, is amended to read as follows:

Sec. 122.008. PROCUREMENT AT DETERMINED PRICE. A suitable product or service that meets applicable specifications established by the state or its political subdivisions and that is available within the time specified must be procured from a community rehabilitation program at the price determined by the workforce commission [council] to be the fair market price under Section 122.007.

SECTION 9. Section 122.009, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 122.009. RECORDS. ~~[(a)]~~ The records of the *workforce commission* ~~[council]~~ and of a central nonprofit agency shall, to the extent that the records pertain specifically to state purchases of the products and services of persons with disabilities, be made available upon request to the inspection of representatives of the state auditor, the governor's budget office, or the Legislative Budget Board. The inspection of the records shall be conducted with due regard to the privacy rights of persons with disabilities. A document that is available for inspection under this subsection is an open record for purposes of Chapter 552, Government Code.

~~[(b) The comptroller is the depository for all records concerning the council's operations:~~

~~[(c) The council is subject to Chapter 552, Government Code.]~~

SECTION 10. Sections 122.0095(a) and (e), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(a) Each state agency that purchases products or services through a program under this chapter shall:

(1) designate an agency employee to ensure that the agency complies with this chapter; and

(2) report to the comptroller and the *workforce commission* ~~[council]~~ the purchase of products or services available from a central nonprofit agency or community rehabilitation program under this chapter, but purchased from another business that is not a central nonprofit agency or community rehabilitation program under this chapter.

(e) The *workforce commission* ~~[council]~~ shall review *and analyze* the information contained in the reports under this section and Sections 122.012 and 122.016. The comptroller shall assist the *workforce commission* ~~[council]~~ in reviewing and analyzing the reports in order to improve state agency compliance with this chapter.

SECTION 11. Section 122.010, Human Resources Code, is amended to read as follows:

Sec. 122.010. COOPERATION WITH DEPARTMENT OF CRIMINAL JUSTICE. The *workforce commission* ~~[council]~~ may cooperate with the Texas Department of Criminal Justice to accomplish the purposes of this chapter and to contribute to the economy of state government. The *workforce commission* ~~[council]~~ and the department may enter into contractual agreements, cooperative working relationships, or other arrangements necessary for effective coordination and the realization of the objectives of both entities.

SECTION 12. Section 122.011, Human Resources Code, is amended to read as follows:

Sec. 122.011. CORRELATION WITH RELATED FEDERAL PROGRAMS. The *workforce commission* ~~[council]~~ may adopt procedures, practices, and standards used for federal programs similar to the state program established in this chapter.

SECTION 13. Sections 122.012(a), (b), and (e), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(a) The comptroller shall *cooperate with, and provide any* ~~[legal and other]~~ necessary support to, the *workforce commission* ~~[council]~~ in accordance with legislative appropriation~~[-The comptroller shall assign an upper-level management employee to ensure that the comptroller meets the requirements of this chapter].~~

(b) State agencies responsible for the provision of rehabilitation and related services to persons with disabilities shall cooperate with the *workforce commission* ~~[council]~~ in the operation of the program. The Department of Assistive and Rehabilitative Services and other state human services agencies responsible for assisting persons with disabilities may, through written agreements or interagency contracts, provide space, storage, logistical support, consultation, expert services, communications services, or financial assistance with respect to *the program administered under this chapter* ~~[any function or responsibility of the council].~~

(e) After any audit or review the comptroller conducts with regard to state agency

compliance with purchasing laws and procedures, the comptroller shall report to the *workforce commission* [council] a state agency that is not complying with this chapter.

SECTION 14. Sections 122.013(a) and (c), Human Resources Code, are amended to read as follows:

(a) The *workforce commission* [council] shall adopt rules for the implementation, extension, administration, or improvement of the program authorized by this chapter in accordance with Chapter 2001, Government Code.

(c) The *workforce commission* [council] shall adopt rules to:

- (1) address possible conflicts of interest for central nonprofit agencies and community rehabilitation programs;
- (2) establish a process for the certification of community rehabilitation programs;
- (3) establish a minimum percentage of disabled labor an organization must employ to be considered a community rehabilitation program under this chapter; and
- (4) define the terms “value-added” and “direct labor” for products manufactured and services provided that are offered for sale under this chapter.

SECTION 15. Section 122.015, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) In determining the fair market value of products or services offered for sale under this chapter, the *workforce commission* [subcommittee established under Section 122.007(b) and the council] shall give due consideration to the following type of factors:

- (1) to the extent applicable, the amounts being paid for similar articles in similar quantities by federal agencies purchasing the products or services under the authorized federal program of like effect to the state program authorized by this chapter;
- (2) the amounts which private business would pay for similar products or services in similar quantities if purchasing from a reputable corporation engaged in the business of selling similar products or services;
- (3) to the extent applicable, the amount paid by the state in any recent purchases of similar products or services in similar quantities, making due allowance for general inflationary or deflationary trends;
- (4) the actual cost of manufacturing the product or performing a service at a community rehabilitation program offering employment services on or off premises to persons with disabilities, with adequate weight to be given to legal and moral imperatives to pay workers with disabilities equitable wages; and
- (5) the usual, customary, and reasonable costs of manufacturing, marketing, and distribution.

(d) *The comptroller shall provide the workforce commission with the information and resources necessary for the workforce commission to comply with this section.*

SECTION 16. Section 122.016(b), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) Each month, the comptroller shall provide the *workforce commission* [council] with a list of all items purchased under the exception provided by Subsection (a). The *workforce commission* [council] shall adopt the form in which the list is to be provided and may require the list to include the date of requisition, the type of product or service requested, the reason for purchase under the exception, and any other information that the *workforce commission* [council] considers relevant to a determination of why the product or service was not purchased in accordance with Section 122.014.

SECTION 17. Section 122.019, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 122.019. CENTRAL NONPROFIT AGENCY. (a) The *workforce commission* [council] may select and contract with one or more central nonprofit agencies through a request for proposals for a period not to exceed five years. Once the selection process is

completed, the *workforce commission* may ~~[council shall]~~ contract with a central nonprofit agency to:

- (1) recruit and assist community rehabilitation programs in developing and submitting applications for the selection of suitable products and services;
- (2) facilitate the distribution of orders among community rehabilitation programs;
- (3) manage and coordinate the day-to-day operation of the program, including the general administration of contracts with community rehabilitation programs;
- (4) promote increased supported employment opportunities for persons with disabilities; and
- (5) recruit and assist qualified nonprofit organizations that are managed by members of racial minorities, women, or persons with disabilities and that are in the process of qualifying as community rehabilitation programs.

(b) The services of a central nonprofit agency may include marketing and marketing support services, such as:

- (1) assistance to community rehabilitation programs regarding solicitation and negotiation of contracts;
- (2) direct marketing of products and services to consumers;
- (3) research and development of products and services;
- (4) public relations activities to promote the program;
- (5) customer relations;
- (6) education and training;
- (7) accounting services related to purchase orders, invoices, and payments to community rehabilitation programs; and
- (8) other duties designated by the *workforce commission* ~~[council]~~.

(c) Each year, the *workforce commission* ~~[council]~~ shall review services provided by a central nonprofit agency and the revenues required to accomplish the program to determine whether each agency's performance complies with contractual specifications. Not later than the 60th day before the review, the *workforce commission* ~~[council]~~ shall publish in the Texas Register a request for comment on the services of a central nonprofit agency that participates in community rehabilitation programs.

(d) At least once during each five-year period, the *workforce commission* ~~[council]~~ may review and renegotiate the contract with a central nonprofit agency. Not later than the 60th day before the date the *workforce commission* ~~[council]~~ adopts or renews a contract, the *workforce commission* ~~[council]~~ shall publish notice of the proposed contract in the Texas Register.

(e) The *workforce commission* shall determine the best method to structure the maximum management fee rate charged by a central nonprofit agency for its services ~~[must be computed as a percentage of the selling price of the product or the contract price of a service, must be included in the selling price or contract price, and must be paid at the time of sale]~~. The management fee rate must be ~~[approved by the council and must be]~~ reviewed on an annual basis.

(f) A percentage of the management fee described by Subsection (e) shall be paid to the *workforce commission* ~~[council]~~ and is subject to Section 122.023. The percentage shall be set by the *workforce commission* ~~[council]~~ in the amount necessary to reimburse the general revenue fund for direct and reasonable costs incurred by the comptroller and~~;~~ the *workforce commission* ~~[council, and the council staff]~~ in administering the comptroller's and *workforce commission's* ~~[council's]~~ duties under this chapter, including any costs associated with providing support to the advisory committee.

(g) The *workforce commission* ~~[council]~~ may terminate a contract with a central nonprofit agency if:

- (1) the *workforce commission* ~~[council]~~ finds substantial evidence of the central nonprofit agency's noncompliance with contractual obligations; and

(2) the *workforce commission* [council] has provided at least 30 days' notice to the central nonprofit agency of the termination of the contract.

(h) The *workforce commission* [council] may request an audit by the state auditor of:

- (1) the management fee set by a central nonprofit agency; or
- (2) the financial condition of a central nonprofit agency.

(i) A person may not operate a community rehabilitation program and at the same time contract with the *workforce commission* [council] as a central nonprofit agency.

SECTION 18. Section 122.020, Human Resources Code, is amended to read as follows:

Sec. 122.020. CONSUMER INFORMATION; COMPLAINTS. (a) The *workforce commission* [council] shall prepare information of consumer interest describing the activities of the *workforce commission under this chapter* [council] and describing the *workforce commission's* [council's] procedures by which consumer complaints are filed with and resolved by the *workforce commission under this chapter* [council]. The *workforce commission* [council] shall make the information available to the general public and appropriate state agencies.

(b) The *workforce commission* [council] shall keep an information file about each complaint filed with the *workforce commission* [council]. The file must include:

- (1) the name of the person who filed the complaint;
- (2) the date the complaint is received by the *workforce commission* [council];
- (3) the subject matter of the complaint;
- (4) the name of each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and
- (6) an explanation of the reason the file was closed, if the *workforce commission* [council] closed the file without taking action other than to investigate the complaint.

(c) If a written complaint is filed with the *workforce commission* [council], the *workforce commission* [council], at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

(d) The *workforce commission* [council] shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the *workforce commission's* [council's] policies and procedures relating to complaint investigation and resolution.

SECTION 19. Sections 122.0205(a) and (c), Human Resources Code, are amended to read as follows:

(a) A dispute between the *workforce commission* [council] and a central nonprofit agency or a community rehabilitation program shall first be submitted to alternative dispute resolution.

(c) This section does not limit the *workforce commission's* [council's] ability to request opinions from the attorney general.

SECTION 20. Section 122.0215, Human Resources Code, is amended to read as follows:

Sec. 122.0215. ACCESS TO INFORMATION AND RECORDS; INSPECTION.

(a) The *workforce commission* [council and the council's staff] may access financial or other information and records from a central nonprofit agency or a community rehabilitation program if the *workforce commission* [council] determines the information and records are necessary for the effective administration of this chapter and rules adopted under this chapter.

(b) Information and records must be obtained under Subsection (a) in recognition of the privacy interest of persons employed by central nonprofit agencies or community rehabilitation programs. The information and records may not be released or made public on subpoena or otherwise, except that release may be made:

- (1) for statistical purposes, but only if a person is not identified;
- (2) with the consent of each person identified in the information released; or
- (3) regarding a compensation package of any central nonprofit agency employee or subcontractor if determined by the *workforce commission* [council] to be relevant to the administration of this chapter.

(c) The *workforce commission* [council] shall adopt rules establishing procedures to ensure that the information and records maintained by the *workforce commission* [council] under this chapter are kept confidential and protected from release to unauthorized persons.

(d) The *workforce commission* [council] or a central nonprofit agency at the *workforce commission's* [council's] direction may inspect a community rehabilitation program for compliance with certification criteria established under *Section* [Sections 122.003(j) and] 122.013(c). [The committee designated under Section 122.003(j) shall review the inspection results and recommend appropriate action to the council.]

SECTION 21. Section 122.022, Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 122.022. REPORTS. (a) On or before November 1 of each year, the *workforce commission* [council] shall prepare an annual financial report in the form prescribed by *Section 2101.011, Government Code, relating to the workforce commission's activities under this chapter* and file the report with the governor and the presiding officer of each house of the legislature [a copy of the annual financial report prepared by the council under Section 2101.011, Government Code].

(b) As part of the report filed under Subsection (a), the *workforce commission* [council] shall provide:

- (1) the number of persons with disabilities, according to their type of disability, who are employed in community rehabilitation programs participating in the programs established by this chapter or who are employed by businesses or workshops that receive supportive employment from community rehabilitation programs;
- (2) the amount of annual wages paid to a person participating in the program;
- (3) a summary of the sale of products offered by a community rehabilitation program;
- (4) a list of products and services offered by a community rehabilitation program;
- (5) the geographic distribution of the community rehabilitation programs;
- (6) the number of workers without disabilities who are employed in community rehabilitation programs under this chapter; and
- (7) the average and range of weekly earnings for workers with disabilities and workers without disabilities who are employed in community rehabilitation programs under this chapter.

SECTION 22. Section 122.023, Human Resources Code, is amended to read as follows:

Sec. 122.023. [COUNCIL] FUNDS. All money paid to the *workforce commission* [council] under this chapter is subject to Subchapter F, Chapter 404, Government Code.

SECTION 23. Section 122.024, Human Resources Code, is amended to read as follows:

Sec. 122.024. STRATEGIC PLAN; FINAL OPERATING PLAN. The *workforce commission* [council] shall prepare a [an agency] strategic plan and a final operating plan relating to the *workforce commission's activities under this chapter* as required by Subchapter E, Chapter 2054, Government Code.

SECTION 24. Section 122.028, Human Resources Code, is amended to read as follows:

Sec. 122.028. PROGRAM PROMOTION. The *workforce commission* [council] shall establish procedures for the promotion of the program administered under this chapter.

SECTION 25. Section 122.029, Human Resources Code, is amended to read as follows:

Sec. 122.029. DUTIES OF STATE AUDITOR. (a) As part of an audit of a state agency authorized under Section 2161.123, Government Code, the state auditor shall:

- (1) conduct an audit of a state agency for compliance with this chapter; and
- (2) report to the *workforce commission* [council] a state agency that is not complying with this chapter.

(b) If the state auditor reports to the *workforce commission* [council] that a state agency is not complying with this chapter, the *workforce commission* [council] shall assist the agency in complying.

SECTION 26. Section 122.030, Human Resources Code, is amended to read as follows:

Sec. 122.030. MANAGEMENT FEE RATE; REVIEW PROCESS. (a) The *workforce commission* [council] shall develop a formal review process for the annual review conducted under Section 122.019(e). The review process must include:

- (1) notice to affected parties, including community rehabilitation programs;
- (2) solicitation of public comment; and
- (3) documentation provided by a central nonprofit agency in support of a proposed management fee rate change.

(b) Before making a decision relating to the management fee rate, the *workforce commission* [council] shall consider:

- (1) any public comment received;
- (2) documentation provided by a central nonprofit agency; and
- (3) any documentation provided by a community rehabilitation program or the public.

(c) The *workforce commission* [council] shall adopt rules to implement this section.

SECTION 27. The following provisions of the Human Resources Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are repealed:

- (1) Section 122.002(4);
- (2) Section 122.003;
- (3) Section 122.004;
- (4) Section 122.005;
- (5) Section 122.0055;
- (6) Section 122.006;
- (7) Section 122.007(b);
- (8) Section 122.013(b);
- (9) Section 122.0206;
- (10) Section 122.021;
- (11) Section 122.025; and
- (12) Section 122.027.

SECTION 28. (a) The Texas Council on Purchasing from People with Disabilities is abolished.

(b) The validity of an action taken by or in connection with the authority of the Texas Council on Purchasing from People with Disabilities before it is abolished is not affected by the abolition.

SECTION 29. (a) All powers and duties of the Texas Council on Purchasing from People with Disabilities are transferred to the Texas Workforce Commission.

(b) A rule, form, policy, procedure, or decision of the Texas Council on Purchasing from People with Disabilities continues in effect as a rule, form, policy, procedure, or decision of the Texas Workforce Commission until superseded by an act of the Texas Workforce Commission.

(c) A reference in law to the Texas Council on Purchasing from People with Disabilities means the Texas Workforce Commission.

(d) Any action or proceeding before the Texas Council on Purchasing from People with Disabilities is transferred without change in status to the Texas Workforce Commission and the Texas Workforce Commission assumes, without a change in status, the position of the Texas Council on Purchasing from People with Disabilities in any action or proceeding to which the Texas Council on Purchasing from People with Disabilities is a party.

(e) All money, contracts, leases, rights, bonds, and obligations of the Texas Council on Purchasing from People with Disabilities are transferred to the Texas Workforce Commission.

(f) All personal property, including records, in the custody of the Texas Council on Purchasing from People with Disabilities becomes the property of the Texas Workforce Commission.

(g) All funds appropriated by the legislature to the Texas Council on Purchasing from People with Disabilities are transferred to the Texas Workforce Commission.

SECTION 30. The terms of the current members of the advisory committee amended by this Act expire on the effective date of this Act. On that date or as soon as possible after that date, the Texas Workforce Commission shall appoint new members to the advisory committee in accordance with the requirements of Section 122.0057, Human Resources Code, as amended by this Act. The Texas Workforce Commission shall designate the six members of the committee whose terms expire on February 1, 2017, and the seven members of the committee whose terms expire on February 1, 2019.

SECTION 31. This Act takes effect September 1, 2015.

Passed the Senate on April 15, 2015: Yeas 31, Nays 0; the Senate concurred in House amendments on May 26, 2015: Yeas 31, Nays 0; passed the House, with amendments, on May 20, 2015: Yeas 142, Nays 0, one present not voting.

Filed without signature June 17, 2015.

Effective September 1, 2015.

**AUTHORITY OF CERTAIN MUNICIPALITIES TO PROVIDE
SEWER SERVICE TO AREAS WITHIN THE MUNICIPAL
BOUNDARIES WITHOUT OBTAINING A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY**

CHAPTER 673

S.B. No. 789

AN ACT

relating to the authority of certain municipalities to provide sewer service to areas within the municipal boundaries without obtaining a certificate of public convenience and necessity.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 13.247(a), Water Code, is amended to read as follows:

(a) If an area is within the boundaries of a municipality, all retail public utilities certified or entitled to certification under this chapter to provide service or operate facilities in that area may continue and extend service in its area of public convenience and necessity within the area pursuant to the rights granted by its certificate and this chapter, unless the municipality exercises its power of eminent domain to acquire the property of the retail public utility under Subsection (d). Except as provided by Section 13.2475 or 13.255, a municipally owned or operated utility may not provide retail water and sewer